

# EXHIBIT D



In the Matter Of:

ALODIE GOODEN

vs.

BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC.

CHRIS RODWICK

August 14, 2015

Reported By: January Johnstone CSR No. 13748

ALODIE GOODEN vs. BRIDGESTONE AMERICAS TIRE OPERATIONS, LLC.  
Chris Rodwick on 08/14/2015

<p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING</p> <p>Alodie Gooden, as Wrongful Death ) Representative of the Estate of Tanya ) Gooden and Cameron Gooden, )  ) Plaintiff, )  ) vs. ) Civil Action  ) No. 15-cv-45</p> <p>Bridgestone Americas Tire Operations, LLC; ) FedEx Ground Package System, Inc., ) and John Doe Corporations/Entities 1-3. )  ) Defendants. )</p> <hr/> <p>IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF WYOMING</p> <p>Gina Cubillos, as Wrongful Death ) Representative of the Estate of James Ednie )  ) Plaintiff, )  ) vs. ) Civil Action  ) No. 15-cv-50</p> <p>Bridgestone Americas Tire Operations, LLC; ) FedEx Ground Package System, Inc., ) and John Doe Corporations/Entities 1-3. )  ) Defendants. )</p> <hr/> <p>DEPOSITION OF CHRIS RODWICK Friday, August 14, 2015</p> <p>Reported by: January D. Johnstone CSR No. 13748</p>	<p>1 APPEARANCES OF COUNSEL:</p> <p>2</p> <p>3 For the Plaintiff, Gina Cubillos:</p> <p>4 KLINE, MC CORKLE &amp; PILGER BY: STEPHEN H. KLINE Attorney at Law 401 West 19th Street, Suite 306 Cheyenne, Wyoming 82003 (307) 778-7056 steve@kemplaw.net</p> <p>8 For the Plaintiff, Alodie Gooden:</p> <p>9 THE FITZGERALD LAW FIRM BY: JAMES E. FITZGERALD Attorney at Law 2108 Warren Avenue Cheyenne, Wyoming 82001 (307) 634-4000 lawyers@fitzgeraldlaw.com</p> <p>13 For the Defendant, Bridgestone Americas Tire Operations, LLC:</p> <p>14 BROSSEAU BARTLETT SESERMAN, LLC BY: CHAD M. LIEBERMAN Attorney at Law 6455 S. Yosemite Street, Suite 750 Greenwood Village, Colorado 80111 (303) 812-1200 clieberman@bbs-legal.com</p> <p>18 For the Defendant, FedEx Ground Package Systems, Inc. and deponent, Chris Rodwick:</p> <p>20 MURANE &amp; BOSTWICK, LLC BY: LOYD E. SMITH Attorney at Law 508 West 27th Street Cheyenne, Wyoming 82001 (307) 634-7500 les@murane.com</p>
<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE DISTRICT OF WYOMING 3</p> <p>4 Alodie Gooden, as Wrongful Death ) 5 Representative of the Estate of Tanya ) 6 Gooden and Cameron Gooden, )  ) 7 Plaintiff, )  ) 8 vs. ) Civil Action  ) No. 15-cv-45</p> <p>9 Bridgestone Americas Tire Operations, LLC; ) 10 FedEx Ground Package System, Inc., ) 11 and John Doe Corporations/Entities 1-3. )  ) 12 Defendants. )</p> <hr/> <p>13 IN THE UNITED STATES DISTRICT COURT 14 FOR THE DISTRICT OF WYOMING</p> <p>15 Gina Cubillos, as Wrongful Death ) 16 Representative of the Estate of James Ednie )  ) 17 Plaintiff, )  ) 18 vs. ) Civil Action  ) No. 15-cv-50</p> <p>19 Bridgestone Americas Tire Operations, LLC; ) 20 FedEx Ground Package System, Inc., ) 21 and John Doe Corporations/Entities 1-3. )  ) 22 Defendants. )</p> <hr/> <p>23 The deposition of CHRIS RODWICK, taken on 24 behalf of the Plaintiffs, before January D. Johnstone, 25 Certified Shorthand Reporter No. 13748, for the State of California, commencing at 9:09 a.m., Friday, August 14, 2015, at 2102 Business Center Drive, Irvine, California.</p>	<p>1 INDEX</p> <p>2 EXAMINATIONS</p> <p>3 PAGE</p> <p>4 Examination By MR. KLINE ..... 7</p> <p>5 Examination By MR. FITZGERALD ..... 126</p> <p>6 Examination By MR. LIEBERMAN ..... 176</p> <p>7 Examination By MR. SMITH ..... 195</p> <p>8 Examination By MR. FITZGERALD ..... 196</p> <p>9 Examination By MR. KLINE ..... 197</p> <p>10</p> <p>11</p> <p>12</p> <p>13 EXHIBITS</p> <p>14 NUMBER DESCRIPTION PAGE</p> <p>15 No. 6 Fed-Ex Linehaul Contractor Operating Agreement, 35 pages 30</p> <p>16 (Bates Nos. C&amp;G-FXG-001450 - C&amp;G-FXG-1484)</p> <p>17 No. 7 Addendum 1, Linehaul Contractor Operating Agreement, Identification of Lease Equipment, 5 pages 70</p> <p>18 (Bates Nos. C&amp;G-FXG-000114 - C&amp;G-FXG-000118)</p> <p>19</p> <p>20 No. 8 FedEx On the Road Reference Guide for Independent Contractors, 30 pages 72</p> <p>21 (Bates Nos. C&amp;G-FXG-001550 - C&amp;G-FXG-001579)</p> <p>22</p> <p>23 No. 9 Safety Information Guide, 65 pages 72</p> <p>24 (Bates Nos. C&amp;G-FXG-001485 - C&amp;G-FXG-001549)</p> <p>25 No. 10 Driver File for Mr. Kehler, 3 pages 74</p> <p>26 No. 11 Indiana Registration Cab Card, 1 page 104</p> <p>27 (Bates No. C&amp;G-FXG-000150)</p>

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2	EXHIBITS (Cont'd)	
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5	No. 13 FedEx Driver Qualification File for 109	
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7	No. 14 DriveCam, Inc. Driver's Logs, 11 pages 111	
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11	No. 17 FleetNet Invoice, 1 page 117	
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12	No. 18 Sapp Bros. Invoice, 2 pages 118	
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13	No. 19 Monthly Maintenance Record and Sapp Bros. 120	
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14	No. 20 Maintenance Records, 21 pages 121	
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15	No. 21 DDEC Reports - Daily Engine Usage, 10 pages 123	
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	and FEDEX/Cheyenne HA000415 -	
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16	No. 22 DDEC Reports - Configuration, 1 page 123	
	(Bates No. C&G-FXG-000234 and FEDEX/Cheyenne	
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17	No. 23 Trailer Load Condition Report, 4 pages 124	
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7	No. 27 FedEx Report of Vehicle Inspection, 174	
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8	No. 28 Maps View Color Printouts, 8 pages 175	
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10	No. 30 Letter from Murane & Bostwick, LLC, dated 168	
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12		6
1	Friday, August 14, 2015	
2	Irvine, California	
3	9:09 a.m.	
4	* * * *	
5	CHRIS RODWICK,	
6	was called as a witness, and having been first duly sworn by	
7	the Certified Shorthand Reporter, was examined and testified	
8	as follows:	
9		
10	EXAMINATION	
11	BY MR. KLINE:	
12	Q Can you please give us your name and address.	
13	A Chris Rodwick, 7691 East Camino Tampico, Anaheim,	
14	California 92808.	
15	Q Have you ever had your deposition taken before?	
16	A No, I have not.	
17	Q I understand from a conversation off the record that	
18	you are actually here being represented by Loyd Smith; is	
19	that correct?	
20	A That is correct.	
21	Q And is CLR your business?	
22	A I am the CEO of CLR.	
23	Q And is CLR also being represented here today by	
24	Mr. Smith?	
25	A Yes.	7
1	Q So even though you've never had a deposition taken	
2	before, you have had the opportunity talk to Mr. Smith about	
3	what we're going through here today; is that correct?	
4	A We met yesterday and discussed, yes, what's going to	
5	happen today, what's going on, yes.	
6	Q Do you have any questions about the process here	
7	today?	
8	A Not at this point.	
9	Q With that, I'll just indicate to you that I have the	
10	ability to ask a question that is very difficult for anyone	
11	to answer. And if that happens, obviously it's important	
12	that we're communicating.	
13	January is taking down everything you and I say, and	
14	so it's important that you answer the question that I'm	
15	asking. So if you have a point where you don't understand	
16	the question, want me to repeat, whatever, please feel free	
17	to do that.	
18	A Okay.	
19	Q Can you please give me your educational background?	
20	A I graduated from Cal State Fullerton with a	
21	bachelor's in business with an emphasis in marketing.	
22	Q And what year was that?	
23	A '96, I believe.	
24	Q How old are you?	
25	A I'm 45.	8

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<p>1 A Thereabouts, yes.</p> <p>2 Q You purchased it at that point in time why?</p> <p>3 A I was upgrading the trucks that I had -- a truck</p> <p>4 that I had. I got rid of an older truck and put on somewhat</p> <p>5 of a newer truck.</p> <p>6 Q Did you buy each of your trucks used?</p> <p>7 A Yes.</p> <p>8 Q Let me jump back. Would you use Warner Truck Center</p> <p>9 for any other particular purpose?</p> <p>10 A I would for maintenance if there is -- especially</p> <p>11 since I had just bought that truck from them. If there's</p> <p>12 anything that -- after I drove off, any kind of issues, I</p> <p>13 would absolutely go back to them and ask them to take a look</p> <p>14 at it.</p> <p>15 Q Does a used truck come with any warranties?</p> <p>16 A They do have a little bit of a warranty, yes.</p> <p>17 Q So you might do some warranty work there?</p> <p>18 A Correct.</p> <p>19 Q How about Sapp Bros.?</p> <p>20 A Sapp Bros., tires and miscellaneous maintenance.</p> <p>21 Q And how about Commercial Tire?</p> <p>22 A Strictly tires.</p> <p>23 Q So when would you purchase a tire at Sapp Bros.</p> <p>24 rather than at Commercial Tire?</p> <p>25 A It was convenience. Most of the time we try and go</p>	<p>1 A That is correct.</p> <p>2 Q At the end of every round-trip?</p> <p>3 A Not every round-trip. That's not correct.</p> <p>4 Q Would the truck then be stored at Red Bone Diesel</p> <p>5 until the next trip or?</p> <p>6 A No.</p> <p>7 Q Where would the trucks be stored?</p> <p>8 A Back at the yard, at FedEx.</p> <p>9 Q So these trucks physically are also located at the</p> <p>10 FedEx yard?</p> <p>11 A Yes.</p> <p>12 Q So let me go back to Warner Truck Center. They</p> <p>13 would not be, typically, who you would do repair work through</p> <p>14 or maintenance work through?</p> <p>15 A Not typically for maintenance.</p> <p>16 Q How about Sapp Bros.?</p> <p>17 A Not typically; just as needed.</p> <p>18 Q Does Red Bone Diesel balance tires?</p> <p>19 A I don't know.</p> <p>20 MR. KLINE: Take a break.</p> <p>21 (Break in deposition proceeding from 10:12 a.m.</p> <p>22 until 10:21 a.m.)</p> <p>23 MR. KLINE: Back on the record.</p> <p>24 BY MR. KLINE:</p> <p>25 Q Who makes the decisions on maintenance for CLR?</p>
<p>1 to Commercial Tire. But Commercial Tire, if I'm not</p> <p>2 mistaken, couldn't balance the tires. So that's why we took</p> <p>3 the tires to Sapp Bros. to get them balanced.</p> <p>4 Q Commercial Tire couldn't balance the tires? Didn't</p> <p>5 have the ability or didn't offer that service?</p> <p>6 A At that point in time, I don't recall, but I believe</p> <p>7 we took it to Sapp Bros. to get it balanced; that's why we</p> <p>8 took it there.</p> <p>9 Q How about Red Bone Diesel?</p> <p>10 A Red Bone Diesel is directly across the street from</p> <p>11 FedEx. A great company. They do majority of my work. They</p> <p>12 will come over and pick up the truck when the drivers are</p> <p>13 back, off-duty; take it to their shop; do all the</p> <p>14 maintenance; do all the inspections; make sure it's in</p> <p>15 tip-top shape; and then bring it back to the yard. So the</p> <p>16 drivers never even have to intervene.</p> <p>17 Q Do they do that at the end of each trip for the</p> <p>18 truck?</p> <p>19 A Depending on what the truck needs, yes.</p> <p>20 Q So Mr. Kehler or another driver would park at the</p> <p>21 FedEx -- I don't know if the right word is -- "shop"?</p> <p>22 A Yeah, yard.</p> <p>23 Q Yard -- and leave the truck and somebody from</p> <p>24 Red Bone Diesel comes over and picks it up and does</p> <p>25 maintenance; is that correct?</p>	<p>1 A I do.</p> <p>2 Q Okay. And at the end of every trip -- realizing</p> <p>3 there may be needs in the middle of a trip, but at the end of</p> <p>4 every trip, how do you know what needs to go to</p> <p>5 Red Bone Diesel, what needs to go somewhere else, what needs</p> <p>6 to be done?</p> <p>7 A There's two ways. One is verbal communication with</p> <p>8 the drivers, if they've noticed anything while they were</p> <p>9 driving, or on their pre-trip or post-trip inspections if</p> <p>10 they've noticed anything. But then there's also scheduled</p> <p>11 maintenance depending on how long the truck has been on the</p> <p>12 road.</p> <p>13 Q Are there certain things that are done on a routine</p> <p>14 basis?</p> <p>15 A Yes.</p> <p>16 Q What are those?</p> <p>17 A Lube, oil, and filter roughly every 20,000 miles.</p> <p>18 And, then, in that routine maintenance, they will inspect the</p> <p>19 truck to look from head to toe if there's anything that needs</p> <p>20 to be addressed.</p> <p>21 Q So those are the only things that are done on a</p> <p>22 cycle?</p> <p>23 A Well, the lube, oil, and filter, but then there's an</p> <p>24 inspection of the truck. They go through and check</p> <p>25 everything under the hood, through the chassis, through the</p>

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1 assigned to it?  
2 A Yes.  
3 Q And was Mr. Marks hired on at that point?  
4 A No. They were both hired around the same, at the  
5 same time.  
6 Q Was Mr. Marks -- did he ever work for any entity  
7 other than CLR?  
8 A CBR Transportation.  
9 Q So they have been a tandem for year and a half?  
10 A Yes, thereabouts, without looking.  
11 Q And Mr. Marks, if I understand it, had a different  
12 designation than Mr. Kehler. Am I wrong about that?  
13 A I'm not sure I understand.  
14 Q I've seen the word, maybe, "trainee" or?  
15 A No, not that I'm aware of.  
16 Q They were both equally qualified drivers; is that  
17 correct?  
18 A Correct.  
19 Q And they were compensated on the same basis; is that  
20 correct?  
21 A Correct.  
22 Q And so when 125417 came into existence, they were  
23 both assigned this truck?  
24 A Correct.  
25 Q Are they the only two who have ever driven that

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1 truck prior to the accident?  
2 A I believe so.  
3 Q And did either of them ever operate solo, or was  
4 every run run by both of them together?  
5 A I'm not a hundred percent positive, but I believe  
6 they were always together. I'm not sure if Brian one time  
7 might have made a day run when Steve was on vacation, but I'm  
8 not hundred percent positive. I don't know. I would say  
9 they were always together, but there might have been one trip  
10 or two trips sometime throughout the year and a half or two  
11 years that he did a day run without Steve there.  
12 Q Did you say to me that they were hired at the very  
13 same time?  
14 A Not together, but they didn't drive for me  
15 separately.  
16 Q Neither of them has ever driven for you separately?  
17 A I take that back. No, Brian did get hired before  
18 Steve because he did have another driver for about two weeks  
19 or a month prior to Steve. Two weeks, I think.  
20 Q And this is the only tandem group that you have?  
21 A That is correct.  
22 Q And the benefit to that is that they can make the  
23 run more quickly? Or am I wrong about that?  
24 A Yeah, not more quickly. Speed limits are the same.  
25 Q If there was not a companion driver with you, could

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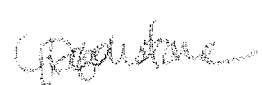
1 you do the round-trip from Salt Lake to Hartford and back  
2 without stopping?  
3 A Without a companion?  
4 Q Right.  
5 A No.  
6 Q And with a companion, they can do it without  
7 stopping?  
8 A They will have to stop, but they won't have to take  
9 a -- they won't have to lay and stop driving for a period of  
10 time.  
11 Q In other words, the truck will be continually going  
12 back and forth?  
13 A Yeah. They will have to stop for gas and  
14 miscellaneous stuff.  
15 Q And when you stop for gas, is that called "downtime"?  
16 A No, it's not downtime, no. They're still on duty.  
17 Q So there's no downtime when you have a tandem. Am I  
18 right about that?  
19 A Depends on the run, depends on the situation. There  
20 could be delays when they're going to pick up or whatnot, but  
21 90 to 95 percent of the time, if not higher, no, there's no  
22 downtime.  
23 Q And that benefits you. Is that true?  
24 A I'm not sure I understand. How?  
25 Q How does CLR make its money? How are you paid by

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1 FedEx?  
2 A So I get paid based on how many miles the truck  
3 drives.  
4 Q So if a truck is in continual motion, so to speak,  
5 that's better for you, better for CLR?  
6 A It's a double-edged sword.  
7 Q What's the other side of the sword?  
8 A You've also got additional employee pay, additional  
9 gas, and additional maintenance.  
10 Q Combined, do you pay two people more who are sharing  
11 driving duties to go from Salt Lake to the East Coast and  
12 back than you would one person?  
13 A I don't understand. Do I pay them more?  
14 Q You pay them per mile; right?  
15 A Yes.  
16 Q And per mile driven?  
17 A Correct.  
18 Q They don't get paid for being in the sleeper.  
19 A Yes, they do.  
20 Q Okay. How does that work?  
21 A They get paid the total miles for the truck. So  
22 even though their per mile rate is less than a solo driver,  
23 they get the pay for the entire miles put on the truck.  
24 Q So what's the distance between Salt Lake and  
25 Hartford and back?

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Chris Rodwick on 08/14/2015

<p>1 FURTHER EXAMINATION</p> <p>2 BY MR. KLINE:</p> <p>3 Q Do you get a 1099 from FedEx?</p> <p>4 A Yes.</p> <p>5 Q And you file tax returns?</p> <p>6 A That's correct.</p> <p>7 Q And you file them, I think you said, as a C corp?</p> <p>8 A Yes, correct.</p> <p>9 Q Can I access the FedEx portal that you utilize to</p> <p>10 purchase the uniforms, or do I have to be someone with a</p> <p>11 relationship?</p> <p>12 A You have to be someone with a relationship to FedEx,</p> <p>13 yes.</p> <p>14 Q Finally, when you do the pre-trip and post-trip</p> <p>15 inspection, is there anywhere where the inflation level of a</p> <p>16 tire is noted?</p> <p>17 A Not the actual inflation level.</p> <p>18 Q So there's no way, from the records, to verify</p> <p>19 whether somebody has even done it pre-trip or post-trip?</p> <p>20 A The inflation levels -- I'm not a hundred percent</p> <p>21 positive.</p> <p>22 MR. KLINE: Okay. Thank you.</p> <p>23 MR. SMITH: We're done.</p> <p>24 THE REPORTER: Does everyone need a copy of this?</p> <p>25 MR. KLINE: Yes. I'd like an electronic and copies</p> <p style="text-align: right;">197</p>	<p>1 PENALTY OF PERJURY</p> <p>2 * * * *</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7 I, CHRIS RODWICK, do hereby declare under</p> <p>8 penalty of perjury that I have read the foregoing</p> <p>9 transcript; that I have made any corrections as appear</p> <p>10 noted, in ink, initialed by me, or attached hereto; that</p> <p>11 my testimony as contained herein, as corrected, is true</p> <p>12 and correct.</p> <p>13</p> <p>14 EXECUTED this ____ day of _____,</p> <p>15 20____, at _____, _____</p> <p style="text-align: center;">(City) (State)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 _____</p> <p style="text-align: center;">CHRIS RODWICK</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">199</p>
<p>1 of the exhibits.</p> <p>2 MR. LIEBERMAN: Yes.</p> <p>3 MR. SMITH: Yes.</p> <p>4 THE REPORTER: And, Mr. Fitzgerald, you as well?</p> <p>5 MR. FITZGERALD: Yes.</p> <p>6 (Whereupon, the deposition of Chris Rodwick</p> <p>7 concluded at 4:44 p.m.)</p> <p>8 -o0o-</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">198</p>	<p>1 CERTIFICATE OF CERTIFIED SHORTHAND REPORTER</p> <p>2 * * * *</p> <p>3</p> <p>4 I, the undersigned, a Certified Shorthand</p> <p>5 Reporter of the State of California, do hereby certify:</p> <p>6 That the foregoing deposition was taken</p> <p>7 before me at the time and place herein set forth; that</p> <p>8 any witnesses in the foregoing deposition, prior to</p> <p>9 testifying, were duly sworn by me.</p> <p>10 That a record of the testimony and all objections</p> <p>11 at the time of the deposition were made by me using machine</p> <p>12 shorthand which was thereafter transcribed under my</p> <p>13 direction; that the foregoing transcript is a true and</p> <p>14 correct record of the proceedings thereof.</p> <p>15 I further certify I am neither financially</p> <p>16 interested in the action, nor a relative or employee of</p> <p>17 any attorney or party to this action.</p> <p>18 I declare under penalty of perjury that the</p> <p>19 foregoing is true and correct.</p> <p>20 Signed and dated this August 26, 2015.</p> <p>21</p> <p>22</p> <p>23 </p> <p>24 JANUARY D. JOHNSTONE, CSR No. 13748</p> <p>25</p> <p style="text-align: right;">200</p>